IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**
**THE HON'BLE MR JUSTICE C.V.RAMULU**

**TAKEN UP WRIT PETITION NO : 14945 of 2004**

Between:

Letter

**..... PETITIONER**

AND

1 The District Collector, East Godavari District at Kakinada
2 The Conservator of Forests, East Godavari District at Kakinada
3 The Member Secretary, A.P.Pollution Control Board, Hyderabad
4 The Secretary to the Govt.of A.P., Environment, Science &

Technology Dept., Secretariat, Hyderabad
5 The Chief Conservator of Forests, Regional Office, Kendriya Sadan,
4th Floor, E and F Wings, 17th Main Road, Koramangala, Bangalore-

34.
6 The Secretary, Ministry of Environment and Forests, Govt.of India,

New Delhi.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Letter dated 26-7-2004 shown as the Petitioner herein this Hon'ble Court may be pleased to issue an Order, direction, or a writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein, for illegally converting the Mangrove Forest Lands,

which are home for many species of flora and founa, fish and crabs, and which is checking the soil erosion, acting as a deterrent in the event of high winds and heavy rains, in Tallarevu Mandal, on the banks of Korangi drain of East Godavari District, into agriculture and aqua culture ponds, without permission from the Revenue and Forest Departments of the Government of Andhra Pradesh, which lies within the "Coastal Regulated Zone" as per the orders of the Hon'ble Supreme Court of India during the year 2000, and continuing the conversion since last 3 years near Korangi Bridge on the high way No.214 and on the western side of the drain in Kajuluru Mandal and to pass appropriate orders directing the concerned authorities to stop the illegal conversion of the lands into agriculture and aqua culture, deforestation by felling, encroaching, polluting and destruction of Mangrove forests and to start afforestation to maintain the fragile ecology of East Godavari District by the NGOs and the Forest Department.

**Counsel for the Petitioner:LETTER**

**Counsel for the Respondent No.1: None appeared**

**Counsel for the Respondent No.2: GP FOR Forests**

**Counsel for the Respondent No.3: Mr.S.V.Bhatt**

**Counsel for the Respondents 4 to 6: None appeared.**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

Letter received from an individual alleging conversion of mangrove forest land into agricultural lands and cutting of trees abutting the national highway No.214 of East Godavari District was registered as a taken up petition on which notices were directed to be issued. The Conservator of Forests has filed an affidavit stating that mangrove forests come under the control of the Forest Department and are intact. M.S.Swaminathan Foundation is coordinating its activities in the Coringa Wildlife Sanctuary, which is under the control of the Forest Department. Bio-diversity of flora and fauna and the entire mangrove eco-system under the control of the Forest Department is well protected and maintained with utmost importance to the fragile eco system which protects the coast of East Godvari District. The area pointed out in the letter, which has been treated as writ petition is a non-forest land in which presently agriculture and acqua culture activities are going on. Acqua culture is regulated by Central and State Acqua Culture Authorities under Section 3 of the Environment Protection Act, 1986 with a mandate to protect the ecologically fragile coastal area. It is also stated that in so far as the forest department is concerned, 20 Eco-development committees have been formed all around the Coringa Wildlife Sanctuary in 20 villages. The Eco-development committees have been involved by M.S.Swaminathan Foundation to supplement the efforts of the Forest Department.

In so far as the forest department is concerned, no direction deserves to be issued in this petition. Only direction deserves to be issued to the District Collector, the first respondent, to ensure that in the area in question, immediate steps are taken where acqua culture is in progress to protect the ecologically fragile coastal area and ensure that no illegal acqua culture is permitted to be carried out.

Ordered accordingly and the writ petition is disposed of.

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DEVINDER GUPTA, CJ

26-10-2004

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C.V.RAMULU, J

Tvr

To

1 The District Collector, East Godavari District at Kakinada
2 The Conservator of Forests, East Godavari District at Kakinada
3 The Member Secretary, A.P.Pollution Control Board, Hyderabad
4 The Secretary to the Govt.of A.P., Environment, Science &

Technology Dept., Secretariat, Hyderabad
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34.
6 The Secretary, Ministry of Environment and Forests, Govt.of India,

New Delhi.

7 2 CCs to the Govt. Pleader for Forests, High Court buildings,

Hyderabad (OUT).

8 2 CD copies.